

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM SPIVEY, #K-81482,)
Plaintiff,)
vs.) CIVIL NO. 10-cv-689-JPG
SEAN FURLOW, et al.,)
Defendants.)

MEMORANDUM AND ORDER

GILBERT, District Judge:

In an order entered March 1, 2011 (Doc. 37), the Court found that many of the claims presented against Defendants in the complaint were unrelated to each other or to the other claims. In that Order, the Court advised Plaintiff of the Court's intention to sever the claims against Defendants **Taylor, Love, Sutton, Schwartzlander, Mathis, Chapman, Flag, Sager, Fallert, Walker, Matthews, Shaw, Phillips, Unknown Second Shift Correctional Officers (SCO), Furlow, Klindworth, Myers, and Davis** into new lawsuits. The Court also gave Plaintiff 45 days to voluntarily dismiss those claims, so as to avoid the imposition of additional filing fees. To date, the Court has received no communication from Plaintiff attempting to voluntarily dismiss those claims, and that 45-day period has since elapsed. Thus, the Court will proceed to sever those claims into new actions.

SEVERANCE OF CLAIMS

IT IS HEREBY ORDERED that the claims against Defendants **Taylor, Love, Sutton, Schwartzlander, Mathis, Chapman, Flag, Sager, Fallert, Walker, Matthews, Shaw, Phillips, Unknown SCO, Furlow, Klindworth, Myers, and Davis** are **SEVERED** into new cases. Those

new cases shall be:

- (Case 1) Against **Defendant Taylor** for Harassment and Eighth Amendment violations;
- (Case 2) Against **Defendants Love and Sutton** for Freedom of Religion and Eighth Amendment violations;
- (Case 3) Against **Defendants Schwartzlander, Walker, Matthews, Shaw, Mathis, Phillips, Unknown SCO, Furlow, Klindworth, Myers, and Davis** for Harassment, Failure to Protect, and Due Process violations;
- (Case 4) Against **Defendants Chapman, Flag, and Sager** for Freedom of Religion and Due Process violations;
- (Case 5) Against **Defendant Fallert** for violations of the Grievance Process.

IT IS FURTHER ORDERED that each of these new cases shall be assigned to the undersigned judicial officer for further proceedings.

IT IS FURTHER ORDERED that in each of these new cases, the Clerk shall file the following documents:

- (1) This Memorandum and Order;
- (2) The Order advising Plaintiff to voluntarily dismiss claims (Doc. 37);
- (3) The Original Complaint (Doc. 1);
- (4) Plaintiff's motion to proceed *in forma pauperis* (Docs. 2, 9, 35).

IT IS FURTHER ORDERED that the *only claims remaining in this action are the claims against Defendants Peters, Turley, Unknown assistant warden of programs (AWP), and Unknown adjustment committee members (ACM).*

IT IS FURTHER ORDERED that Defendants **Taylor, Love, Sutton, Schwartzlander, Mathis, Chapman, Flag, Sager, Fallert, Walker, Matthews, Shaw, Phillips, Unknown SCO, Furlow, Klindworth, Myers, and Davis** are **DISMISSED** from *this* action with prejudice.

IT IS FURTHER ORDERED that *this* case shall now be captioned as: **WILLIAM SPIVEY, Plaintiff, vs. WILLIAM PETERS, LT. JAMES TURLEY SR., UNKNOWN ASSISTANT WARDEN OF PROGRAMS, and UNKNOWN ADJUSTMENT COMMITTEE MEMBERS, Defendants.**

IT IS SO ORDERED.

DATED: April 18, 2011

s/J. Phil Gilbert

United States District Judge